

In assessing civil penalties, I give substantial weight to the confusion created by MSHA's inconsistent enforcement policies at its Morgantown District and Fairmont Subdistrict Offices. I find this to be a substantial mitigation of the violations, and conclude that a civil penalty of \$10 for each violation is appropriate.

CONCLUSIONS OF LAW

1. The Commission's administrative law judge has jurisdiction in this proceeding.

2. Respondent violated 30 C.F.R. § 75.1105 as alleged in Citations Nos. 2703324, 2703528, 2704403, 2704404, 2704405, and 2704406.

3. Respondent is ASSESSED a civil penalty of \$10 for each of the above six violations.

ORDER

WHEREFORE IT IS ORDERED that:

1. Citations Nos. 2703324, 2703528, 2704403, 2704404, 2704405, and 2704406 are AFFIRMED.

2. Respondent shall pay the above civil penalties in the total amount of \$60 within 30 days of this decision.



William Fauver  
Administrative Law Judge

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